

26-8a-405.4 Non-911 provider -- Finding of meritorious complaint -- Request for proposals.

- (1) Notwithstanding Subsection 26-8a-102(17), for purposes of this section, political subdivision includes:
 - (a) a county of any class; and
 - (b) a city or town located in a county of any class.
- (2)
 - (a) This section applies to a non-911 provider license under this chapter.
 - (b) The department shall, in accordance with Subsections (4) and (5):
 - (i) receive a complaint about a non-911 provider;
 - (ii) determine whether the complaint has merit;
 - (iii) issue a finding of:
 - (A) a meritorious complaint; or
 - (B) a non-meritorious complaint; and
 - (iv) forward a finding of a meritorious complaint to the governing body of the political subdivision:
 - (A) in which the non-911 provider is licensed; or
 - (B) that provides the non-911 services, if different from Subsection (2)(b)(iv)(A).
- (3)
 - (a) A political subdivision that receives a finding of a meritorious complaint from the department:
 - (i) shall take corrective action that the political subdivision determines is appropriate; and
 - (ii) shall, if the political subdivision determines corrective action will not resolve the complaint or is not appropriate:
 - (A) issue a request for proposal for non-911 service in the geographic service area if the political subdivision will not respond to the request for proposal; or
 - (B)
 - (I) make a finding that a request for proposal for non-911 services is appropriate and the political subdivision intends to respond to a request for proposal; and
 - (II) submit the political subdivision's findings to the department with a request that the department issue a request for proposal in accordance with Section 26-8a-405.5.
 - (b)
 - (i) If Subsection (3)(a)(ii)(A) applies, the political subdivision shall issue the request for proposal in accordance with Sections 26-8a-405.1 through 26-8a-405.3.
 - (ii) If Subsection (3)(a)(ii)(B) applies, the department shall issue a request for proposal for non-911 services in accordance with Section 26-8a-405.5.
- (4) The department shall make a determination under Subsection (2)(b) if:
 - (a) the department receives a written complaint from any of the following in the geographic service area:
 - (i) a hospital;
 - (ii) a health care facility;
 - (iii) a political subdivision; or
 - (iv) an individual; and
 - (b) the department determines, in accordance with Subsection (2)(b), that the complaint has merit.
- (5)
 - (a) If the department receives a complaint under Subsection (2)(b), the department shall request a written response from the non-911 provider concerning the complaint.
 - (b) The department shall make a determination under Subsection (2)(b) based on:
 - (i) the written response from the non-911 provider; and

- (ii) other information that the department may have concerning the quality of service of the non-911 provider.
- (c)
 - (i) The department's determination under Subsection (2)(b) is not subject to an adjudicative proceeding under Title 63G, Chapter 4, Administrative Procedures Act.
 - (ii) The department shall adopt administrative rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of Subsection (2)(b).

Enacted by Chapter 187, 2010 General Session